

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

\_\_\_\_\_  
JOHN CORBETT,

Plaintiff,

v.

\_\_\_\_\_  
RED HAWK INDUSTRIES, LLC f/k/a  
BARRY SECURITY SYSTEMS, INC.,  
RAHUL GHAI, individually and  
HAROLD FOLSOM, individually,

Defendants.  
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) CIVIL ACTION NO. \_\_\_\_\_  
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**PETITION FOR REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Red Hawk Industries, LLC (“Defendant” or “Red Hawk”) hereby petitions to remove the above-captioned matter, which is now pending in the Superior Court of the Commonwealth of Massachusetts in Middlesex County as Civil Action No. MICV2009-02039, to the United States District Court for the District of Massachusetts (the “District Court”).

As grounds for this removal, Red Hawk states as follows:

1. This is a civil action over which the District Court has original jurisdiction under 28 U.S.C. § 1332(a), and which Red Hawk is entitled to remove to the District Court pursuant to 28 U.S.C. §§ 1441(a).

2. This action is petitioned to be removed on the basis of diversity jurisdiction in that the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Although Red Hawk denies that it is liable for the alleged damages, the Plaintiff, John Corbett (“Plaintiff” or “Corbett”), claims that he is entitled to recover

\$28,368.47 in unpaid wages (commissions), plus treble damages and attorneys' fees, pursuant to Mass. Gen. Laws ch. 149, Section 148. Because some or all of the alleged damages may be trebled pursuant to Mass. Gen. Laws ch. 149, Section 150, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, pursuant to 28 U.S.C. § 1332(a).

3. Plaintiff, at all times relevant to this action, has been, and still is a citizen of the Commonwealth of Massachusetts (See Complaint, ¶1.)

4. At the time this action was commenced, and at all times thereafter, Red Hawk was, has been, and still is, a corporation incorporated under the laws of the State of Colorado with its principal place of business, its corporate headquarters, located in Farmington, Connecticut. Neither of Red Hawk's branch offices in Lawrence and Taunton, Massachusetts is its principal place of business.

5. The following constitutes all of the process, pleadings or orders received or served on Red Hawk in the state court action, true and correct copies of which are attached as exhibits and incorporated herein as part of this Petition:

Exhibit 1	Civil Action Cover Sheet
Exhibit 2	Complaint and Demand for Jury Trial
Exhibit 3	Summons

6. Based on the foregoing, Red Hawk hereby petitions to remove this action to the United States District Court for the District of Massachusetts.

Respectfully submitted,

DEFENDANT,  
RED HAWK INDUSTRIES, LLC

By its attorneys,



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DATED: July 8, 2009

**CERTIFICATE OF SERVICE**

I, Daniel B. Klein, hereby certify that on July 8, 2009, I served a true copy of the Petition for Removal on Plaintiff's counsel, Todd J. Bennett, at Corrigan, Bennett & Belfort, P.C., 24 Thorndike Street, Suite 300, Cambridge, MA 02141, via facsimile and first-class mail, postage prepaid.



Daniel B. Klein